

2. Plaintiff served the District on June 10, 2024, through Superintendent Doug Loomis. As such, this removal is timely pursuant to 28 U.S.C. § 1446(b). Amarillo ISD has not filed any papers in the State Court Action.

II. JURISDICTION

3. The State Court Action is removable under 28 U.S.C. § 1441 on the basis of federal question jurisdiction. Any civil action brought in a state court may be removed without regard to the citizenship of the parties when the district courts of the United States have original jurisdiction.¹ District courts of the United States have original jurisdiction over all civil actions arising under the Constitution and laws of the United States.²

4. Plaintiffs' Original Petition contains claims arising under federal law, specifically the ADA, 28 U.S.C. § 12102. Because Plaintiffs' claims arise under federal statutes, the action is removable, and the United States District Court for the Northern District of Texas, Amarillo Division has jurisdiction.³

5. Moreover, the Court has jurisdiction over the entirety of the State Court Action, because the remaining state law claims arise out of "a common nucleus of operative facts" as the constitutional claims.⁴ Specifically, all claims are based on Plaintiffs' allegations surrounding Emerson Kate Cole's death on January 17, 2023. As stated in statute, the remaining claims are "so related" to the federal constitutional claims "that they form part of the same case or controversy" and give the Court supplemental jurisdiction over those claims.⁵

6. Accordingly, the entire State Court Action is removable.

¹ 28 U.S.C. § 1441(a)

² 28 U.S.C. § 1446

³ See 28 U.S.C. § 1441(a)

⁴ See *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 725 (1966).

⁵ See 28 U.S.C. § 1367(a).

III. REMOVAL REQUIREMENTS

7. Filed simultaneously herewith is an index of the pleadings from the State Court Action, a copy of the State Court Action docket sheet, copies of all pleadings asserting causes of action, and a certificate of interested persons.

WHEREFORE, PREMISES CONSIDERED, Amarillo ISD respectfully requests that the State Court Action be removed to this Court for trial and determination, that all further proceedings in the State Court Action be stayed, and that the District have all additional relief to which it may be justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On June 28, 2024, I electronically submitted the foregoing document with the clerk of court for the United States District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

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